IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 414 of 2004

RIKHAB CHAND
V/S
MANGILAL & ORS

Mr. BL MAHESHWARI, for the appellant / petitioner

Mr. SURESH SHRIMALI, for the respondent

Date of Order : 11.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned judgments.

The main submission made was that the learned Courts below have erred in deciding issue no.1 and 7.

I have gone through the findings of the learned Courts below, and have also been read over the statements of plaintiff, P.W.1, and do not find any error in the appreciation of evidence made by the learned Courts below.

The other orders of striking out defence of the appellant's on account of non-compliance of the provisions of Section 13(4) have not been challenged before me, nor the findings on other issues have been challenged. In that view of the matter, the appeal does not involve any substantial question of law, and the same is, therefore, dismissed summarily.

Learned counsel for the parties agree that the appellant be given six months' time to vacate the premises.

Accordingly, it is directed that the appellant may vacate the premises on or before the expiry of six months from today with the condition that the appellant pays to the landlords, or deposits all arrears of rent, or mesne profits, whatever is outstanding, and submits an undertaking in the trial Court, to the effect, that at the expiry of period of six months, as mentioned above, he will peacefully vacate the premises, and hand over the possession to the plaintiff, and in the meantime shall not in any manner part with the possession. All this be done within six weeks from today.

(N P GUPTA),J.

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